

BLAME DRIVER OF ARMSTRONG AUTO; VERDICT OF \$200 FOR ALBERT DENKER

Albert Denker of Norwich Town, who sued Frederick S. Armstrong of Franklin for \$7,000 damages because of an automobile accident, was awarded \$200 and costs by a finding handed down Thursday by Judge George E. Hinman of the superior court before whom the case was recently tried in this city.

Judge Hinman put the blame for the accident upon the driver of the Armstrong automobile which hit the wagon driven by Denker at the Mitchell residence driveway entrance at 215 Broadway on the morning of April 10, 1920. Judge Hinman's memorandum of decision discusses in an interesting way the duty

that falls upon the driver of a vehicle approaching from the rear to avoid an accident with another vehicle that he may be overtaking and passing, as Harold B. Capshaw was doing when he was driving the Armstrong machine at the time of the accident.

Attorneys John D. Hall and Edwin W. Higgins were counsel for the plaintiff in the trial of the case while Major Hull and C. Hadlai Hull appeared for the defendant.

Memorandum of Decision
Judge Hinman's memorandum of decision was as follows:
The plaintiff, immediately prior to the

collision which is the subject of this action, was driving a horse, drawing a wagon in which the plaintiff was riding, being engaged in delivering meat to his employers' customers, southerly along Broadway in the city of Norwich. Said street is approximately straight for a distance of about 400 feet northerly from the point of collision, 34 feet in width from curb to curb, fairly smooth and approximately level. Plaintiff had stopped at a watering trough 155 feet northerly of the driveway at which he was injured, then continued, the horse traveling at a slow trot, along his right hand side of the street. He had looked north along the street while at the watering trough and then saw nothing approaching from that direction. As he neared the driveway he looked to his left a short distance northerly on the street, saw nothing, extended his hand as a signal that he was about to turn to his left, looked for traffic approaching from the south in front of him, and then turned to his left across the street and into the driveway leading to the Mitchell residence, for the

purpose of these delivering meat. As the horse was entering the driveway from the street, plaintiff looked north and then for the first time saw defendant's automobile approaching in a southerly direction on the easterly—its left hand—side of the street, and about 15 feet distant from the plaintiff. He struck the horse with the reins to increase its speed into the driveway, but just as the rear of the wagon was leaving the street and entering on the driveway defendant's automobile struck the right rear wheel of the wagon and threw the plaintiff out, breaking his arm as described in the complaint. Defendant's automobile was a light colored, Dodge truck, loaded with cans of milk, and driven by defendant's servant, with whom, on the one seat, two ladies were riding.

The tracks made by the truck, as afterwards examined, indicated that about two or three car lengths northerly of the driveway the brakes were applied so that the left rear wheel locked and slid along near the easterly edge of the road until near the entrance to the driveway, that the car turned rather abruptly to the right, ran diagonally across the street to a point west of the middle, then turned abruptly to the left, capsized onto its right side and came to a stop with its front end near the easterly edge of the street about 35 feet southerly from the northerly side of the driveway. Defendant's driver admitted that he had turned to his left side of the street for the purpose of passing the vehicle driven by the plaintiff, that he did not blow his horn because he thought that when the plaintiff looked to his left he would see him, and that he saw the car approaching, and claims that he did not see the plaintiff give any signal.

The conclusion is reached that negligence on the part of the defendant's servant, especially in failing to give any warning signal, his approach and in failing to reduce his speed as the circumstances required, proximately caused the injury to the plaintiff. Not only did plaintiff give the required signal of his intention to turn, but also the subsequent course of his relatively slow-moving horse-drawn vehicle would have given sufficient notice, while he was traveling entirely across the street, to enable a vigilant and careful driver of defendant's automobile, if traveling at a proper rate of speed, to avoid the collision which here occurred.

It is not required by law or reason that the driver of an overtaken vehicle shall, under all circumstances, at his peril ascertain that no vehicle is in sight approaching from his rear; on the contrary, it is the duty of the operator of the overtaking vehicle to signal his approach, so reduce his speed, if necessary, that his vehicle may be under reasonable control, and observe signals. If given, by the driver of the vehicle in front giving warning of an intention to change his course.

When the driver of a vehicle about to turn has duly signalled his intention and has ascertained that no vehicle is then so engaged in passing him that, notwithstanding due care on the part of the operator of the passing vehicle, he cannot with safety follow his contemplated course, his attention is necessarily and properly directed to guiding his vehicle and watching for the approach of traffic from the opposite direction from that in which he is traveling. The greater opportunity for observation by the operator of a vehicle approaching and seeking to pass another from the rear imposes on him a corresponding duty to utilize such opportunity. This is indicated by the provisions of our statute law. The rules of law regarding driving upon or across street railway tracks are not applicable, in their entirety, to the meeting and passing of vehicles.

In this case the defendant's driver gave

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69c Per Pair

no warning signal of his approach and intention to pass, did not see plaintiff's signal of his intention to turn nor seasonably observe plaintiff's progress across the street, and evidence as to speed, course, shifting of wheel, and ultimate overturning of defendant's automobile justifies a conclusion that its speed was in excess of that which reasonable care required under the circumstances.

Even were the plaintiff to be held negligent in failing to look backward, before turning, far enough to observe defendant's car approaching, at whatever distance within the range of vision it then was, the defaults of defendant's servant would amount to supervening negligence and properly be regarded as the proximate cause of the collision.

The damage sustained by plaintiff by reason of his injury is found to be \$200. The circumstances are not such as to call for the imposition of double or treble damages.

Judgment is that plaintiff recover of the defendant \$200 damages and his costs.

BRIEF STATE NEWS
Bristol.—R. E. Woodbury is the new scout executive for Bristol council of Boy Scouts.

Manchester.—The tax rate for 1921 will be 12 mills. This was decided at the adjourned annual town meeting.

Wethersfield.—The annual meeting of Wethersfield Cove Yacht Club was held Tuesday evening at the clubhouse.

Hartford.—Bishop Murray addressed the Girl Scouts and their friends Tuesday evening in the Hartford Public High school.

East Hampton.—The King's Daughters celebrated their 25th anniversary Thursday afternoon at the Congregational parish house.

Danbury.—A large class will be initiated at the meeting of the local order of Eagles which will be held in Eagles hall Friday evening.

Hartford.—Richard Williams of the firm of Williams Brothers dealers in horses, gave it as his opinion this week that the horse is due to come back into its

own this year, and that while the auto had its place the horse was to remain what it had lost.

Fairfield.—The annual spring membership campaign of the Fairfield county farm bureau will open March 15, to continue for 30 days.

Lakeville.—William R. Perry, 62, who had served as deputy sheriff here for 40 years, until 1914 died here Friday night. He was tax collector for 49 years.

Bridgeport.—Rev. James M. Nihil of Bridgeport is a patient in St. Vincent's hospital, Bridgeport, under treatment for a sprained ankle and a severe cold.

Bristol.—Rev. Dr. L. H. Dorchester, pastor of the Freeport Methodist Episcopal church, will not be returned to Bristol following the annual conference in April.

Norwalk.—The fourth annual Old Boys' conference of Fairfield county will be held in Norwalk April 8 and 9. The general theme will be "Making the Team."

Greenwich.—R. H. Vanderhoof, 68, a retired business man of Greenwich, died at his home on the Boston post road at Riverside Tuesday following a paralytic stroke.

New Britain.—Grand Knight Lawrence P. Manspan of Daly council, K. of C., announced this week that the annual ball, scheduled for Easter Monday night, will not be held.

Aven.—A meeting of the new Farmers' Co-operative association for buying grain, fertilizer, etc., at wholesale was held Friday night and J. W. Alsop was elected president.

Hartford.—Mrs. Eugene L. Cushman of No. 695 Prospect avenue recently bought the house of Stanley K. Dimock on West Hill and expects to occupy it within the next two months.

Hartford.—There are eight uncontested divorce cases assigned for hearing before Judge Malbie in the superior court on Friday, two of them having been continued from Friday of last week.

Danbury.—The democratic town committee has announced that it has leased the rooms at 181 Main street, which will be used as headquarters for the party, until after the city election.

Hartford.—Announcement was made this week that the federal board for vocational training will open its training center for disabled service men at No. 247 Pearl street on Tuesday of next week.

Hartford.—The engagement was announced Sunday of Mrs. Robert P. Parker of Hartford to Brigadier-General Charles Brewster Wheeler, chief ordinance officer of the American expeditionary forces in France.

New Haven.—Col. I. M. Uihman, home from a month's stay in the south by the way of the inauguration in Washington, said the other day that he did not intend to go to Poland this year. His name was among those mentioned in New York last

STOP TOBACCO

Stop tobacco for a month and see how much better you feel. You can stop without suffering any inconvenience or feeling the usual craving. Simply get a box of Nicotol from any druggist, use as directed and the habit quits you. Your health will be better, your resistance to disease will increase, and you will cease to be a slave to nicotine. Read what Dr. Conner, formerly of the Johns Hopkins Hospital, says about the evil effects of tobacco in an article soon to appear in this paper. Nicotol is dispensed by all good druggists in this city.

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Salt Pork, lb. 16c	COOKING Compound 2 lbs. 25c A Lard Substitute
FRESH EGGS Dozen 40c NONE FRESHER	CALIFORNIA Prunes, 5 lbs. 50c
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See Saturday's Bulletin For Week-End Specials.

Spring Millinery Opening

At TEMPLE OF FASHION

112 MAIN STREET
Friday and Saturday, March 11 and 12
THE PUBLIC ARE CORDIALLY INVITED TO ATTEND

MINISTERING SPIRITS

On wings of the morning, whence cometh the throng.
Bright, lustrous, adorning, in the silvery dawn,
Mystical beings, from ethereal shadows,
Radiant of the wellspring of life,
Invisible flowers, from spiritual meadows,
Clothed with white robes, from the regions of light!

O'er illimitable space lie the fields of their labors.
The stars of the universe brighten their way,
Beaming in guidance a silvery lustre,
And shine in their beaming a heavenly ray.

White as the snow on the crest of the mountains
From out the pure ether on missions they send,
No taint from earth's shadows can reach the pure fountains
Whose heralds they are from eternity's shore.

Over the earth, with its wrongs and its passions,
Countless as the sands of the sea,
As angels of peace, they spread their bright pinions,
List for their coming, e'er the vision shall flee.

List to their whispers, e'er they sail and are gone,
All earth is their province, their mission to fill;
They rend wide the veil to eternity's dawn,
And glide through the shadows so peaceful and still.

(Alvera Culver Earl, in Seattle Post-Intelligencer)

week as a committee to investigate the distress of the Jewish people in Poland and to recommend means of further aid.

Norfolk.—Charles Ainsworth Spofford, 67, a prominent New York man and a summer resident of this place for many years, died Saturday at Chandler, Ariz. He was a son of the late Ainsworth Rand Spofford.

Greenwich.—Ernest Thompson Seton has completed his vaudeville season of lectures and with Mrs. Seton is at Ormond, Florida. Mr. and Mrs. Seton will open their country place in Greenwich early in April.

Ansonia.—John Horoschak died last week at the Griffin hospital. Ansonia, from wood alcohol poisoning. He refused to tell where he secured the stuff. The police are investigating. He leaves a widow and five children.

Southington.—Miss Margaret Geary, daughter of Mr. and Mrs. Jeremiah Geary of Spring street, has resigned her place with the District Nurse association of Southington and has returned to her home in Middletown. Miss Geary is a graduate of the Middlesex Hospital Training School for Nurses.

Westport.—The National Academy of Design, New York, has announced the prizes that were awarded at the 56th annual exhibition. Awards were given several Connecticut artists, including Katherine S. Lawson of Westport, for Head of an Italian Peasant, who received the Julia A. Shaw memorial of \$200.

Lonesomest Place
Asked to name the lonesomest place in the world, a traveler once answered, "The island of Tristan d'Acunha, far off the coast of South America. Its population is seventy-six, and it is visited by a vessel only once in two years."

But the traveler was all wrong. Isolated, remote, limited in society, the island may be. But why lonesome? The last thing we heard from it was that all the inhabitants were working together to fight a dangerous plague of rats. When people can get together for a common purpose they aren't lonesome.

A man told us the other day that the lonesomest place he ever found was

New York city, where he didn't know a soul and his being there didn't matter to anyone. And he was right, but he set about changing that condition, and he didn't find even New York lonesome very long. For the lonesomest place is no question of geography or population or economics. The lonesomest place is always the human heart which hasn't learned how to reach out to other human hearts in the sure knowledge that if it has affection to spend, and loyalty and truth and friendliness, there are these things in return waiting to welcome it.

From the Consular Reports.
Locomotives in Sweden are being put successfully. It is first ground to powder and then made into briquets.

More than half of the 5,000 miles of railways within Czechoslovakia are owned by the state.

Australia expects to build thirty locomotives this year.

Beauty is said to be only skin deep, but many a woman's beauty depends upon the size of her bank balance.

Head of National Banking Section A. B. A.



H. H. McKee, President of the National Capital Bank, Washington, D. C., and head of the National Banked Section of the American Bankers Association, who has been appointed chairman of the committee, which will represent the directors of the \$100,000,000 Foreign Trade Finance Corporation. Under the provisions of the McKee Act National Banks are permitted to invest up to 10 percent of their capital in the stock of the new organization.

The Self-Service Shoe Stores
Thayer Building Franklin Square, Norwich

Hundreds of other big bargain lots ready for you tomorrow — 8,500 pairs of Shoes displayed so you can see and handle them.